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Please find below and/or attached an Office communication concerning this application or proceeding.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 8, 10, 11, 15, 16, 18, 19, 23, and 25. are rejected under 35

U.S.C. 102(b) as being anticipated by Raje Software (Focus on Today).

In regards to claim 1, Raje Software teaches an apparatus comprising: an

information display, wherein a value of a variable selected from the group consisting of

percentage of maximum daylight, sunrise, sunset, phase of the moon, tide height, wave

height, wind speed, probability of precipitation, weather conditions, a birthday, a

graduation day, and an anniversary, pertaining to a particular time, is associated with a

portion of said information display (See Figure 1, Element 1, the information selected in

this element is presented in figure 2, element 1).

In regards to claim 2, Raje Software teaches an apparatus wherein said value of

said variable is associated with a location (See Figure 3).

In regards to claim 6, Raje Software teaches an apparatus wherein an icon is

embedded in the background of said portion of said information display and an icon is

correlated with a value of said variable (See Figure 1, Element 1, the icon has a check

box next to it indication the magnitude of the value (i.e. whether it is on or off)).

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 10, Raje Software teaches a method wherein associating causes an icon to be embedded in the portion of the information display (See Figure 2, Element 1).

In regards to claim 11, Raje Software teaches a method further comprising correlating the icon with a magnitude of the variable (See Figure 2, Element 1, when the variable is off then no information is shown, when the variable is on then the appropriate data (i.e. icon) is shown).

Claim 15 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 18 is in the same context as claim 10; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 11; therefore it is rejected under similar rationale.

In regards to claim 23, Raje Software teaches an apparatus comprising: an information display (See Figure 4); and a calendar to be displayed on said information display, wherein a percentage of maximum sunlight for a selected time and a location to be associated with a calendar entry to be displayed on said information display (See

Figure 2, and Figure 4). Since the sunset and sunrise times are given, it is inherent that

a percentage of maximum sunlight is calculated.

In regards to claim 25, Raje Software teaches a method comprising: estimating a

percentage of maximum sunlight for a time and location; and associating the

percentage of maximum sunlight with a calendar entry on an information display (See

Figure 2, and Figure 4). Since the sunset and sunrise times are given, it is inherent that

a percentage of maximum sunlight can be calculated.

In regards to claim 28, Raje Software teaches all the limitations of claim 27. He

further teaches an apparatus wherein said quantity of information to be selected from

the group consisting of percentage of maximum daylight, sunrise, sunset, phase of the

moon, tide height, wave height, wind speed, probability of precipitation, weather

conditions, a birthday and an anniversary (See Figure 1, Element 1).

In regards to claim 30, Raje Software teaches all the limitations of claim 27. He

further teaches an apparatus wherein said quantity of information to be selected from

the group consisting of percentage of maximum daylight, sunrise, sunset, phase of the

moon, tide height, wave height, wind speed, probability of precipitation, weather

conditions, a birthday and an anniversary (See Figure 1, Element 1).

### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.      Determining the scope and contents of the prior art.
2.      Ascertaining the differences between the prior art and the claims at issue.
3.      Resolving the level of ordinary skill in the pertinent art.
4.      Considering objective evidence present in the application indicating
        obviousness or nonobviousness.

Claims 3, 7, 9, 14, 17, 22, 24, 27, 28, 29 and 30 are rejected under 35 U.S.C.

103(a) as being unpatentable over by Raje Software (Focus on Today) in view of Daniel

Basterfield.

In regards to claim 3, Raje Software teaches all the limitations of claim 1.  They

do not teach an apparatus wherein said information display is handheld.  Basterfield

teaches that you can have the IBM PalmTop PC110 running under the Windows 95

environment.  Since this PC is so small it is considered to be handheld.  Further since

Raje Software's product only requires a Windows 95 operation system to run, the IBM

PalmTop PC 110 would have been sufficient at running the application.  Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to

modify Raje Software's invention and modify it to include in the specification that it could

run on an IBM PalmTop PC 110 with the motivation to make the application easy to

carry anywhere.

In regards to claim 7, Raje Software and Daniel Basterfield teach all the

limitations of claim 3.  Basterfield further teaches that the information display is coupled

with a handheld computer. Basterfield teaches that you can have the IBM PalmTop

PC110 running under the Windows 95 environment. Since this PC is so small it is

considered to be handheld. Further since Raje Software's product only requires a

Windows 95 operating system to run, the IBM PalmTop PC 110 would have been

sufficient at running the application.

Claim 9 is in the same context as claim 3; therefore it is rejected under similar

rationale.

Claim 14 is in the same context as claim 7; therefore it is rejected under similar

rationale.

Claim 17 is in the same context as claim 3; therefore it is rejected under similar

rationale.

Claim 22 is in the same context as claim 7; therefore it is rejected under similar

rationale.

Claim 24 is in the same context as claim 3; therefore it is rejected under similar

rationale.

In regards to claim 27, Raje Software teaches an apparatus comprising: an

information display; and an image contained within a background of said handheld

information display, wherein said image represents a quantity of information, pertinent

to a selected time to be communicated to a user (See Figure 2, Element 1). Raje

Software does not teach an apparatus wherein the apparatus comprises of a handheld

information display. Basterfield teaches that you can have the IBM PalmTop PC110

running under the Windows 95 environment. Since this PC is so small it is considered

to be handheld. Further since Raje Software's product only requires a Windows 95

operation system to run, the IBM PalmTop PC 110 would have been sufficient at

running the application.

In regards to claim 28, Raje Software teaches and Basterfield teach all the

limitations of claim 27. Raje Software further teaches an apparatus wherein said

quantity of information to be selected from the group consisting of percentage of

maximum daylight, sunrise, sunset, phase of the moon, tide height, wave height, wind

speed, probability of precipitation, weather conditions, a birthday and an anniversary

(See Figure 1, Element 1).

In regards to claim 29, Raje Software teaches a method comprising: selecting a

time (See Figure 3); associating a quantity of information with an image (See Figure 1,

Element 1), wherein the quantity of information is related to the time obtained from said

selecting; and displaying the image within a background (See Figure 2, Element 1).

Raje Software does not teach a method wherein the information is displayed within a

handheld information display. Basterfield teaches that you can have the IBM PalmTop

PC110 running under the Windows 95 environment. Since this PC is so small it is

considered to be handheld. Further since Raje Software's product only requires a

Windows 95 operation system to run, the IBM PalmTop PC 110 would have been

sufficient at running the application.

In regards to claim 30, Raje Software and Basterfield teach all the limitations of

claim 29. Raje Software further teaches an apparatus wherein said quantity of

information to be selected from the group consisting of percentage of maximum

daylight, sunrise, sunset, phase of the moon, tide height, wave height, wind speed,

probability of precipitation, weather conditions, a birthday and an anniversary (See

Figure 1, Element 1).

Claims 4, 5, 12, 13, 20, 21, and 26 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Raje Software (Focus on Today) in view of Hirai (US 5892519).

In regards to claim 4, Raje Software teaches all the limitations of claim 1. They

do not teach an apparatus wherein a modulation of background intensity of said portion

of said information display is correlated with said variable. Hirai teaches, "According to

the information display device as described above, for example if image data

corresponding to various environmental conditions of the sky at various time points such

as morning, noon and evening are stored, and these data are switched to one another

in accordance with the time, the user can have sense of time and feel as if he is

surrounded by the nature with the artificially-produced environmental variation of the

outdoors." (Column 1, Line 56, Also Figures 6a-6f). It would have been obvious to one

of ordinary skill in the art at the time of the invention to modify Raje Software with the

teachings of Hirai and include an apparatus that changes appearance overtime with the

motivation to provide the user a feeling of the outside world when he is using the

computer.

In regards to claim 5, Raje Software teaches all the limitations of claim 1. They do not teach an apparatus wherein a modulation of background intensity of said portion of said information display is correlated with said variable to form a watermark image on said information display. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

In regards to claim 12, Raje Software teaches all the limitations of claim 8. They do not teach a method, wherein said associating causes a background intensity of the portion of the information display to be correlated with the variable. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

In regards to claim 13, Raje Software teaches all the limitations of claim 8. They do not teach a method, wherein said associating causes a modulation of a background intensity of the portion of the information display to be correlated with the variable. Hirai

teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

Claim 20 is in the same context as claim 12; therefore it is rejected under similar rationale.

Claim 21 is in the same context as claim 13; therefore it is rejected under similar rationale.

In regards to claim 26, Raje Software teaches all the limitations of claim 25. They do not teach a method wherein said associating results in modulating a display intensity of a part of said information display. Hirai teaches, "According to the information display device as described above, for example if image data corresponding to various environmental conditions of the sky at various time points such as morning, noon and evening are stored, and these data are switched to one another in accordance with the time, the user can have sense of time and feel as if he is surrounded by the nature with the artificially-produced environmental variation of the outdoors." (Column 1, Line 56, Also Figures 6a-6f).

## Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006661438B1                          Sharaishi et al.

Teaches a hand held organize interface utilizing many different features including displaying weather and a calendar.

US006714222B1                          Bjorn et al.

Teaches displaying the weather information in the background of the screen.

US006278456B1

Teaches a web calendar.

## *Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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